



**U. S. Department of Justice**

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April 23, 2010

Dennis P. Iavarone  
Clerk, U.S. District Court  
Raleigh, NC 27601

Re: R. Daniel Brady, et al. v.  
XE Services LLC, et al.  
No. 5:09-CV-449-BO

Dear Mr. Iavarone:

The United States was served on April 8, 2010, with Defendants Ball, Heard, Liberty, Slatten and Slough's Motion To Substitute the United States as Defendant Pursuant to the Westfall Act. This is a Petition under the Westfall Act, 28 U.S.C. § 2679(d)(3) requesting that the Court "find and certify" Donald Wayne Ball, Dustin L. Heard, Evan Shawn Liberty, Nicholas Abram Slatten and Paul A. Slough were employees acting within the scope of their office or employment pertaining to the events that are the subject of the underlying litigation. The United States will answer or otherwise respond to this Westfall petition within 60 days from April 12, 2010.

GEORGE E.B. HOLDING  
United States Attorney

/s/ R. A. Renfer, Jr.  
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Assistant United States Attorney  
Chief, Civil Division

RAR,JR:sb

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